IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3131 of 1982

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI Sd/-
and
Hon'ble MR.JUSTICE D.A.MEHTA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VINODBHAI RANCHHODBHAI

Versus

DY CITY DEVELOPMENT OFFICER

Appearance:

1. Special Civil Application No. 3131 of 1982

NOTICE UNSERVED for Petitioners No. 1-18,23-25,27-41, 45-50,54-55,62,64-79,81,86,88-90,94,96-97,99-107,109, 111-126,130-146,148-152

NOTICE SERVED for Petitioners No. 19-20,26,42-44,51, 53,56-61,63,80,82-85,87,91-93,95,98,108,110,127-129,147

UNSERVED-EXPIRED (N) for Petitioners No. 21-22,52

NOTICE SERVED for Respondent No. 1

MR SN SHELAT for Respondent No. 2

MR AJ DESAI for Respondent No. 3

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI

and

MR.JUSTICE D.A.MEHTA

Date of decision: 07/02/2002

ORAL JUDGEMENT

(Per : CHIEF JUSTICE MR DM DHARMADHIKARI)

This was a joint petition filed by as many as 152 persons against the alleged action of demolition for their unauthorized construction. Interim relief as prayed was granted which is operative from 3/8/1982. Mr.H.L.Patel, Learned Counsel engaged by the petitioner died and no arrangements have been made by the petitioners to engage another Counsel to represent their case. This Court on expiry or death of any Counsel sends notices to concerned parties and accordingly in this matter also notices to all the petitioners were sent. However, the report shows that petitioner Nos. 19, 20, 26, 42, 44, 51, 53, 56 to 62, 63, 80, 82 to 85, 87, 91 to 93, 95, 98, 108, 110, 127 to 129 and 147 are served and for rest of the petitioners the notices have been returned unserved with a remark that "they and their houses are not found". Petitioner Nos. 21, 22 and 52 are reported to be dead. Since, the petitioners have filed this petition collectively and is pending for such a long period and shown no interest for its prosecution, this Court has no option but to dismiss the petition for want of prosecution. The petition stands dismissed. Rule is discharged. The order of granting relief dated 3/8/1982 stands vacated. There shall be no order as to costs.

Sd/-

(D.M.Dharmadhikari, C.J.)

Sd/-

(D.A.Mehta, J)

m.m.bhatt